

Appln. No. 09/403,861
Amd. dated February 11, 2004
Reply to Office Action of February 4, 2004

REMARKS

The Office Action and the Advisory Action dated February 4, 2004 have been carefully reviewed. No claim is allowed. Claims 41, 46-48, 51, and 52 presently appear in this application, with claims 51 and 52 newly added to replace unentered claims 49 and 50, and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

In a brief telephone discussion with the examiner on February 11, 2004, to clarify the new issues noted in the Advisory Action, the examiner indicated that the new issues relate to duplicate claims and the cancellation of duplicate claims, as amended in the amendment dated December 17, 2003, would appear to resolve any outstanding issues and place the application in condition for allowance. Claims 43-45 are now cancelled, thereby obviating the new issue of duplicate claims as noted on the Advisory Action.

Claims 41-48 have been rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. This rejection is respectfully traversed.

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Claim 41 is amended to replace the recitation of hybridization with the recitation of "no more than ten amino acid changes from the amino acid sequence of SEQ ID NO:2, said changes being alternative conservative substitutions within the five groups of amino acid residues of Table B", as supported in the specification at page 26, lines 14-17 and page 28, lines 7-20. Furthermore, new claims 51 and 52 are directed to "no more than five" and "no more than three" amino acid changes, respectively, as supported at page 26, lines 15-17, of the instant specification. It is believed that the amendments to the claims obviate the written description rejection.

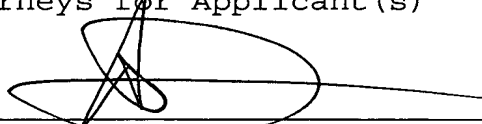
Reconsideration and withdrawal of the rejection are therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

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